
VIEW DOCUMENT

The Arizona Revised Statutes have been updated to include the revised sections from the 55th Legislature, 2nd Regular Session. Please note that the next update of this compilation will not take place until after the conclusion of the 56th Legislature, 1st Regular Session, which convenes in January 2023.

DISCLAIMER

This online version of the Arizona Revised Statutes is primarily maintained for legislative drafting purposes and reflects the version of law that is effective on January 1st of the year following the most recent legislative session. The official version of the Arizona Revised Statutes is published by Thomson Reuters.

11-813. Zoning ordinance; adoption; amendments; notice; hearing

A. The commission shall formulate and draft the zoning ordinance. Before recommending the zoning ordinance to the board of supervisors for adoption, the commission shall hold at least one public hearing, after giving at least fifteen days' notice of the hearing by one publication in a newspaper of general circulation in the county seat.

B. After the commission recommends the zoning ordinance, the zoning ordinance shall be submitted to the board of supervisors for its consideration and official action. After the board considers the commission's recommendation, the board shall hold at least one public hearing at which residents of the county shall be heard concerning the zoning ordinance. At least fifteen days' notice of the hearing shall be given by one publication in a newspaper of general circulation in the county seat. The board shall consider protests and objections to the zoning ordinance and may change or alter any portion of the zoning ordinance.

C. A property owner or authorized agent of a property owner desiring a zoning regulations amendment shall file an application for the amendment.

D. The commission, on its own motion, may propose a zoning regulations amendment and, after holding a public hearing as required by this chapter, may transmit the proposal to the board, which shall proceed as prescribed in this chapter for any other amendment.

E. On receipt of the application the board shall submit the application to the commission for a report. Before reporting to the board, the commission shall hold at least one public hearing after giving at least fifteen days' notice of the hearing by one publication in a newspaper of general circulation in the county seat. The following specific notice provisions also apply:

1. In proceedings involving one or more of the following proposed changes or related series of changes in the standards governing land uses, notice shall be provided in the manner prescribed by paragraph 2 of this subsection:

(a) A ten per cent or more increase or decrease in the number of square feet or units that may be developed.

(b) A ten per cent or more increase or reduction in the allowable height of buildings.

(c) An increase or reduction in the allowable number of stories of buildings.

(d) A ten per cent or more increase or decrease in setback or open space requirements.

(e) An increase or reduction in permitted uses.

2. In proceedings governed by paragraph 1 of this subsection, the county shall provide notice to real property owners pursuant to at least one of the following notification procedures:

(a) Notice shall be sent by first class mail to each real property owner, as shown on the last assessment, whose real property is directly affected by the changes.

(b) If the county issues utility bills or other mass mailings that periodically include notices or other informational or advertising materials, the county shall include notice of the changes with the utility bills or other mailings.

(c) The county shall publish the changes before the first hearing on the changes in a newspaper of general circulation in the county. The changes shall be published in a display advertisement covering not less than one-eighth of a full page.

3. If notice is provided pursuant to paragraph 2, subdivision (b) or (c) of this subsection, the county shall also send notice by first class mail to persons who register their names and addresses with the county as being interested in receiving the notice. The county may charge a fee not to exceed five dollars per year for providing this service and may adopt procedures to implement this paragraph.

4. Notwithstanding the notice requirements prescribed in paragraph 2 of this subsection, the failure of any person or entity to receive notice does not constitute grounds for any court to invalidate the actions of a county for which the notice was given.

F. After the commission has held a public hearing, the board shall hold a public hearing on the proposed amendment at least fifteen days' notice of which shall be given by one publication in a newspaper of general circulation in the county seat. After holding the hearing, the board may adopt the amendment.

G. Notwithstanding title 19, chapter 1, article 4, a decision by the governing body that changes the zoning standards of land that is not owned by the county as prescribed in subsection E, paragraph 1 of this section may not be enacted as an emergency measure and such a change shall not be effective for at least thirty days after final approval of the change in classification by the board. Unless a resident files a written objection with the board of supervisors, the change may be enacted as an emergency measure that becomes effective immediately by a four-fifths majority vote of the board for those counties with five or more supervisors or a two-thirds majority vote of the board for those counties with fewer than five supervisors.

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